bered. tickets bearing the same number shall be liable to a fine not exceeding one thousand rupees.

Penalty for issue of tickets bearing same number.

Provisions of Native Passenger Ships Act, 1876, to apply to offences and penalties.

15. The provisions of sections 46, 47 and 49 of the [1] Native Passenger Ships Act, 1876, shall apply to all offences punishable, and to all penalties leviable, under this Act.

Penalties to be enforced only at the instance of the Commissioner.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner.

THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.

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[1] *See* now s. 4 of the Native Passenger Ships Act, 1887 (10 of 1887), Genl. Acts, Vol. V, and also the Pilgrim Ships Act, 1895 (14 of 1895) Genl. Acts, Vol. VI.

BOMBAY ACT No. IV OF 1887.[1]

[*5th January, 1888.*]

An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay ; It is enacted as follows :—

Short title. 1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887.

Extent. It extends to the City of Bombay, to the Island of Salsette, to all railway station-houses without the said city and island, and to all places not more than three miles distant from any part of such station-houses, respectively, and all or any of its provisions may be extended[2] from time to time by the Governor in Council, by an order published in the *Bombay Government Gazette*, to any local area in the Presidency of Bombay.

The Governor in Council may from time to time, by an order published, as aforesaid, cancel or vary any order made by him under this section.

2. [*Repeal of enactments.*] *Rep. Act XVI of 1895.*

"Gaming" to include wagering. 3. In this Act the word[3] "gaming" whenever it occurs, shall include wagering.

"Instruments of gaming" defined. [3] In this Act the expression "instruments of gaming" includes any article used as a subject or means of gaming.

"Common gaming-house" defined. In this Act "common gaming-house" means a house, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room or place, whether by a charge for use of the instruments of gaming or of the house, room or place, or otherwise howsoever.

Keeping common gaming-house. 4. Whoever—

(*a*) being the owner or occupier or having the use of any house, room or place, opens, keeps or uses the same for the purpose of a common gaming-house,

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1887, Pt. IV, p. 12; for Report of the Select Committee, *see ibid*, p. 239, and for Proceedings in Council, *see ibid*, pp. 215 and 244.

[2] For notifications extending the Act, *see* Bombay Local Rules and Orders, Vol. II, Ed. 1898, List on pp. cclxiii *et seq.*

[3] These definitions were inserted by the Bombay Gambling Act, 1890 (I of 1890), Vol. III of this Code.

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of any such house, room or place opened, occupied, kept or used for the purpose aforesaid;

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months.

Gaming in common gaming-houses.

5. Whoever is found in any common gaming-house, playing or gaming with cards, dice, counters or other instruments of gaming, or is found there present for the purpose of gaming, whether by playing for any money, wager, stake or otherwise, shall be punished with fine which may extend to two hundred rupees, or with imprisonment which may extend to one month.

Any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be made to appear, to have been there for the purpose of gaming.

Power to authorize entry of gaming-house by Police-officers,

6. It shall be lawful for the Commissioner of Police in the city of Bombay, and elsewhere for any Magistrate of the first class or any District Superintendent of Police or for any Assistant Superintendent empowered by Government in this behalf, upon any complaint made before him on oath, that there is reason to suspect any house, room or place to be used as a common gaming-house, and upon satisfying himself after such enquiry as he may think necessary that there are good grounds for such suspicion, to give authority, by special warrant under his hand, when in his discretion he shall think fit, to any inspector, or other superior officer of Police of not less rank than a chief constable,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force if necessary, any such house, room or place, and

(*b*) to take into custody and bring before a Magistrate all persons whom he finds therein, whether they are then actually gaming or not, and

and seizure of gaming instruments

(*c*) to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and

(*d*) to search all parts of the house, room or place, which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he shall so find therein or take into custody, and to seize and take possession of all instruments of gaming found upon such search.

Proof of keeping or of gaming in common gaming-house.

7. When any cards, dice, gaming-table, counters, cloth, board or other instruments of gaming used in playing any game, not being a game of mere skill, are found in any house, room or place entered under warrant issued under the provisions of the last preceding section or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police-officer or by any person acting under the authority of either of them.

On conviction for keeping, or gaming in, common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, or playing or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein, or on the persons of those who were found therein, to be forthwith destroyed,

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof with all moneys seized therein, to be forfeited or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found playing at any game was playing for any money, wager or stake.

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Payment of portion of

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be

fine to informer.

levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, to be paid to an informer.

Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.

12. A Police-officer may apprehend without warrant—

(*a*) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill, in any public street, place or thoroughfare;

(*b*) any person setting any birds or animals to fight in any public street, place or thoroughfare;

(*c*) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month.

Seizure and destruction of instruments found.

And such Police-officer may seize all birds and animals and instruments of gaming found in such public street, place or thoroughfare or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited.

Saving of games of mere skill.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

SCHEDULE.

ENACTMENTS REPEALED.

Rep. Act XVI of 1895.

BOMBAY ACT No. V OF 1887.[1]

[*12th January, 1888.*]

An Act to amend Bombay Act No. VI of 1863.

WHEREAS it is expedient to amend Bombay Act No. VI of 1863 (*an Act for the regulation of Public Conveyances in the Town, Suburbs and Harbour of Bombay*) for the purpose, principally, of enabling Government to extend its provisions as well to vehicles which do not, as to those which do, ply for hire in any town or place, other than the city of Bombay; It is enacted as follows:—

[NOTE.—The amendment made by this Act is incorporated in s. 34 of Bombay Act VI of 1863, *see* page 433, *supra*.]

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1887, Pt. V, p. 13; and for Proceedings in Council, *see ibid*, pp. 216 and 247.